

11/07

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer 73951 in the name of Mud Lake Water Users
2. Name of protestant U.S. Fish and Wildlife Service / attn: James Crammond
911 NE 11th Ave., 2W-EN, Portland, OR 97232
3. Protestant's Representative for service (If different than protestant)
Barbara Scott-Brier, Office of the Regional Solicitor
4. Service mailing address 500 NE Multnomah Street, Ste. 607, Portland, OR 97232
5. Service telephone no. 503.231.2139 Email Address: None
6. Basis of protest (including statement of facts and law upon which the protest is based)
1) Protestant has 17 water rights (31-269 to -284, -11668) with places of use in Sections 19, 20, 29 and 30, T.7N R.36E BM that may be injured by the proposed change. 2) The proposed change is not in the local public interest. Protestant's Camas National Wildlife Refuge, located in the area of the proposed change, provides benefits to the public that may be affected by the proposed change.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Set a condition on the proposed change that would set a minimum pumping elevation for the proposed Owsley Dike POD at approximately 4783.85 ft. AMSL, which corresponds to 13.90 ft on the Ray's Lake Bridge staff gage.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 14th day of February, 20 08
James E. Crammond
Protestant
Barbara Scott-Brier
Protestant's Representative

Please serve documents on both Protestant and Protestant's Representative.

Receipt
E033776

RECEIVED

FEB 19 2008

Department of Water Resources
Eastern Region

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008 I served by Fedex a Notice of Protest to the State of Idaho Department of Water Resources in the matter of Transfer 73951 in the name of Mud Lake Water Users, and a copy to the Mud Lake Water users, Inc :

By Fedex
The Department of Water Resources
Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

By Fedex
Mud Lake Water Users, Inc
C/O Holden, Kidwell, Hahn & Crapo
1000 Riverwalk Dr, Suite 200
Idaho Falls, ID 83402

By regular mail
James D. Crammond, FWS
Region 1, Portland, OR

Dated this 15th day of February, 2008.


Donna R. Barton, Secretary

RECEIVED

FEB 19 2008

Department of Water Resources
Eastern Region